

The European Union Satellite Centre's refusal to give public access to documents concerning the situation at the Belarus-Poland border

Case opened

Case 130/2022/SF - **Opened on** 04/02/2022 - **Decision on** 11/07/2022 - **Institution concerned** European Union Satellite Centre (No maladministration found) |

Head of Legal Services

Dear Mr X,

The Ombudsman has received a complaint against the European Union Satellite Centre (SatCen). The Ombudsman has asked me to deal with the case on her behalf.

The complaint concerns SatCen's handling of the complainant's request for public access to documents made on 28 December 2021 via the platform 'FragDenStaat'.

The complainant requested public access to the *"Latest three reports and latest map series on the Belarussian border migrant situation"*. SatCen refused access stating that the documents contained operational analysis and that their disclosure would undermine the protection of the public interest with regard to defence and military matters as well as international relations.

We have decided to open an inquiry into this complaint against SatCen's decision to refuse public access to the requested documents. The Ombudsman acknowledges the wide discretion afforded to EU institutions and agencies when determining whether disclosing a document would undermine the public interests invoked in this case. [1] That said, we consider that it would be useful to hold a meeting with relevant representatives of SatCen to obtain some clarifications on SatCen's reply and on SatCen's practices regarding the handling of requests for public access to documents. It would be helpful if SatCen could provide us with a copy of the rules it has adopted on public access to its documents prior to the meeting. After we have had a chance to review these rules, we will share the questions to be addressed at the meeting.

If you have any questions, please feel free to contact the responsible inquiries officer, Ms Silvia Fuller.

We would be grateful to receive a copy of SatCen's rules on public access within one week of



the date of this letter and will contact you shortly thereafter to agree the arrangements for the meeting.

Yours sincerely,

Rosita Hickey Director of Inquiries

Strasbourg, 04/02/2022

[1] See, by way of analogy, judgment of the General Court of 11 July 2018, ClientEarth v Commission, T-644/16:
<http://curia.europa.eu/juris/document/document.jsf?text=&docid=203913&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=46943>.